

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:	:	
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BERNARD L. MADOFF INVESTMENT	:	SIPA LIQUIDATION
SECURITIES LLC,	:	
	:	No. 08-01789 (SMB)
Debtor.	:	
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	X	
IRVING H. PICARD, Trustee for the Liquidation	:	
of Bernard L. Madoff Investment Securities LLC,	:	
	:	
Plaintiff,	:	
	:	Adv. Proc. No. 09-01182 (SMB)
v.	:	
J. EZRA MERKIN, GABRIEL CAPITAL, L.P.,	:	
ARIEL FUND LTD., ASCOT PARTNERS, L.P.,	:	
ASCOT FUND LTD., GABRIEL CAPITAL	:	
CORPORATION,	:	
	:	
Defendants.	:	
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	X	

**NOTICE OF WITHDRAWAL OF MOTION *IN LIMINE* BY DEFENDANTS TO  
EXCLUDE THE TESTIMONY AND REPORTS OF MATTHEW B. GREENBLATT**

**PLEASE TAKE NOTICE** that Defendants J. Ezra Merkin, Gabriel Capital Corporation, Ralph C. Dawson, as Receiver for Defendants Ascot Partners, L.P., and Ascot Fund Limited (collectively “Defendants”), by and through their undersigned counsel, hereby give notice that Defendants are withdrawing without prejudice their Motion *in Limine* to Exclude the Testimony and Reports of Matthew B. Greenblatt, filed on April 7, 2016 (ECF. Nos. 352, 353, 354) based on the Trustee’s agreement that Mr. Greenblatt will not be called to testify at trial in this adversary proceeding. Defendants reserve the right to renew the Motion if the circumstances on which they base their withdrawal change.

New York, New York  
Dated: June 28, 2017

**DECHERT LLP**

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